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OFFICE OF PETITIONS

In re Patent No. 7,754,726 : DECISION ON REQUEST  
Lang et al. : FOR  
Issue Date: 07/13/2010 : RECONSIDERATION OF  
Application No. 10/565,452 : PATENT TERM ADJUSTMENT  
Filing or 371(c) Date: 05/05/2006 :  
Atty Docket No. :  
34056-US-PCT :

This is a decision on the petition filed on June 30, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred forty-six (646) days.

The petition to correct the patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of seven hundred forty-six (746) days.

The priority date in this application is July 25, 2003. Applicants did not file an express request under 35 U.S.C. 371(f). Accordingly, the date the application commenced the national stage under 35 U.S.C. 371(b) is January 25, 2006, the date which is 30 months from the priority date.

As to the "B" delay period, the over three year period begins on January 26, 2009, the day after the date three years after the date the application commenced the national stage under 35 U.S.C. 371(b), and ends on the date the patent issued, July 13, 2010, and is 534 days.

Accordingly, no change will be made to the patent term adjustment of 746 (316 days Office delay + 536 days three years delay - 104 days of applicant delay) days indicated on the face of the issued patent.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



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